



City of Portland, Oregon
Bureau of Development Services
Land Use Services

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: April 11, 2011
To: Interested Person
From: Kate Green, Land Use Services
503-823-5868 / Kate.Green@portlandoregon.gov

**NOTICE OF A TYPE II_x DECISION ON A PROPOSAL
IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 11-101408 LDS

GENERAL INFORMATION

Applicant: Kevin Partain, Urban Visions
223 NE 56th Avenue
Portland OR 97213

Property Owner: Exceptional Homes By Andre Inc
14237 Bridge Court
Lake Oswego OR 97034-2177

Site Address: property south of 120 NE Ivy

Legal Description: BLOCK 14 LOT 3-6, WILLIAMS AVE ADD
Tax Account No.: R916405400
State ID No.: 1N1E27AA 05501
Quarter Section: 2730

Neighborhood: Eliot, contact Mike Warwick at 503-284-7010
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321
District Coalition: Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-823-4575

Zoning: Multi-Dwelling Residential 2,000 (R20)
Alternative Design Density Overlay (a)

Plan District: Albina Community Plan District
Other Designations: Eliot Conservation District

Case Type: Land Division-Subdivision (LDS)
Procedure: Type Iix, an administrative decision with appeal to the Hearings Officer

Proposal: The subject site is a portion of the property formerly occupied by the Morning Star Church, which was destroyed by fire in 2007. The applicant recently completed a lot segregation (10-197583 PR) to configure this property and the adjacent land into two separate 20,000 square foot parcels. The applicant now proposes to divide each of the vacant 100 foot by 200 foot parcels into 9 lots for attached and detached housing. The two proposals are nearly identical. This

application is for the “south” parcel, and a separate notice will be sent regarding the application (LU 11-105625 LDS) for the “north” parcel (see attached zoning map).

The proposed lot sizes are as follows: Lot 1: 1,800 square feet; Lots 2 and 3: 1,600 square feet; Lots 4 through 9: 2,500 square feet.

To address stormwater management and sanitary sewer requirements, onsite drywells are proposed for each lot, and a new sanitary sewer extension is proposed to serve the new lots along NE Rodney.

This subdivision proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) four to ten dwelling units are proposed, not including accessory dwelling units (see 33.660.110).

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines “lot” as a single unit of land created by a subdivision of land. The applicant’s proposal is to create 9 units of land (9 lots). Therefore this land division is considered a subdivision.

Additionally, since the site is within the Eliot Conservation District, all new development must comply with the Community Design Standards (33.218); otherwise, the proposal will trigger a Historic Design Review. The applicant has indicated the new development will be designed in accordance with the Community Design Standards, so the proposal does not include a request for a Historic Design Review.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in Section **33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**

FACTS

Site and Vicinity: The subject site is 20,000 square-feet in area, and relatively flat except where the grade slopes up to a retaining wall along the east lot line next to the neighboring property. The 200 feet of frontage on NE Cook Street to the south, and 100 feet of frontage on NE Rodney Avenue to the west. The site was formerly developed with a church, which was destroyed in a fire in 2007, and the demolition was finalized in 2011. The site is now vacant and enclosed with a chain-link fence.

The site is situated within the Eliot Conservation District, which is within the Albina Community Plan boundary, and comprises one of the oldest urban areas in Portland. The area has an established street grid. Much of the surrounding residential development to the north and south includes homes built between 1880 and 1910, which feature prominent front porches and entries typical of the Queen Anne and Colonial Revival styles. Approximately 600 feet to the east and west of the site there are major north-south streets (NE MLK Boulevard to the east, and the N Williams and N Vancouver couplet to the west) bordered by mixed commercial, employment, and high density multi-dwelling zoned properties.

Infrastructure:

Streets – The site is located within the Elliot Pedestrian District. The site has approximately 200 feet of frontage on NE Cook, and about 100 feet of frontage on NE Rodney. At this location, NE Cook and NE Rodney are classified as Local Service Streets for all modes in the Transportation System Plan (TSP). Both frontages are improved to current City standards. Parking is currently allowed on both sides of the abutting streets.

Tri-Met provides transit service approximately 300 to 600 feet of the site along streets to the north, east, and west of the site.

Water Service – There is an existing 8-inch CI water main in NE Rodney Avenue, and an existing 6-inch CI water main in NE Cook Street.

The estimated static water pressure range for this location is 61 psi to 77 psi at the existing NE Cook Street property line elevation of 184 feet.

Sanitary Service - There are existing 10-inch vitrified clay public combination sewer lines in NE Ivy Street and NE Cook Street.

Zoning: The site is in the **Multi-Dwelling Residential 2,000 (R2)** zone, which is a medium-density multi-dwelling zone, allowing detached, attached and multi-unit structures at a maximum density of one unit per 2,000 square-feet of site area.

The site is also within the **Alternative Design Density (a) overlay** zone, which allows options for additional density if standards are met. This proposal does not utilize the options of the overlay zone.

In addition, the site is within the **Eliot Conservation District** and the **Albina Community Plan District**.

Conservation districts are applied in neighborhoods with special architectural and historic significance. In these districts, proposals for new development or alterations to existing development are subject to the Community Design Standards or a Historic Design Review process, which ensures that the special qualities and characteristics of these districts are preserved.

The Albina Community Plan District is generally intended to ensure compatibility between commercial and industrial development and nearby residential neighborhoods, and to encourage compatible residential infill.

Land Use History: City records indicate that prior land use reviews include the following:

- LUR 94-011517 DZ/LUR 94-00615 CU: approval of a Conditional Use with Design Review for a play area for a religious institution; and approval of Modifications (through Design Review) to increase the fence height and reduce the required landscaping.
- LU 07-146177 CU: approval of a Conditional Use Review for a new church, school and 35-space surface parking lot.
- LU 08-106382 HDZM: denial of a Historic Design Review for a new church.
- LU 09-105568 HDZM: approval of a Historic Design Review for a new church.

Since the former religious institution has been removed, the conditional use requirements no longer apply.

Agency Review: Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Please see Exhibits “E” for details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **February 11, 2010**. One written response was received from the Eliot Neighborhood Association, which noted concerns about the appearance of the proposed development, but did not cite any specific objections to the land division.

Staff response: The site is within the Eliot Conservation District and development on the proposed lots must comply with the Community Design Standards, which are intended to integrate new development with the surrounding development. If the proposal does not comply with those standards, the project will be subject to Historic Review, as well as a Land Division Amendment. These provisions should address compatibility of the new development with the adjacent buildings.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

33.660.120 *The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met.*

Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the criteria that are not applicable. Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630 – Tree Preservation	No significant trees or trees in excess of 6 inches in diameter are located fully on the site or outside of the environmental zone on the site.
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.
F	33.634 - Recreation Area	Not applicable. The minimum required density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

Applicable Approval Criteria are:

A. Lots. The standards and approval criteria of Chapters 33.605 through 33.612 must be met.

Findings: Chapter 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing 9 lots; one (Lot 1) for a detached house, and the balance (Lots 2 through 9) for attached houses.

Single-dwelling development is proposed for some or the entire site, therefore the proposed lots must meet minimum density and not exceed the maximum density stated in Table 120-3. The minimum density in the R2 zone is one unit per 2,500 square feet and the maximum density is one unit per 2,000 square feet. The total site area shown on the applicant's survey is 20,000 square feet, so the site has a minimum required density of 8 units and a maximum density of 10 units. The proposal is for 9 units, so the density standards are met.

The required and proposed lot dimensions are shown in the following table. Lot 1 is proposed for a detached house and Lots 2 through 9 are proposed for attached houses:

R2	Minimum lot area (square feet)	Minimum lot width (square feet)	Minimum lot depth (square feet)	Minimum front lot line (square feet)
Attached Houses	1,600	15	none	15
Detached Houses	1,600	25	none	25

Lot 1 (detached house)	1,800	36	50	36
Lot 2	1,600	25	64	25
Lot 3	1,600	25	64	25
Lot 4	2,500	25	100	25
Lot 5	2,500	25	100	25
Lot 6	2,500	25	100	25
Lot 7	2,500	25	100	25
Lot 8	2,500	25	100	25
Lot 9	2,500	25	100	25

* Width is measured from the midpoints of opposite lot lines.

Only Lot 1 is currently proposed for a detached house; however, all of the lots are of sufficient width to meet the dimensional requirements for both attached and detached houses. Therefore, the lots could be developed with either attached or detached houses.

The findings above show that the proposal complies with the applicable density and lot dimension standards, so this criterion is met.

G. Clearing, Grading and Land Suitability. The approval criteria of Chapter 33.635, Clearing, Grading and Land Suitability must be met.

Findings:

Clearing and Grading

The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat.

In this case, the site is primarily flat, and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved in the areas where new development on the site is anticipated.

Land Suitability

As noted above, the site was formerly occupied by a religious institution; however, all existing buildings have been removed, and the sewer service has been capped. This should ensure the new lots are suitable for development

Based on the foregoing, the new lots are considered suitable for development, and this criterion is met.

I. Solar access. If single-dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met.

Findings: The solar access regulations encourage variation in the width of lots to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties.

Though only Lot 1 is proposed for a detached house, the balance of the lots are of sufficient size to allow detached houses as well, so this criterion will be evaluated for all the lots.

The site is on a corner with frontage on NE Cook Street (an east-west street) and NE Rodney Avenue (a north-south street).

Lot 1 is the widest lot and it is on the east side of a north-south street (NE Rodney Avenue), which meets Criterion 33.639.100.B.

Lots 2 through 9 are located on the north side of an east-west oriented street (NE Cook Street). Lots 3 through 9 are interior lots on the north side of the street, and there are no lot width

preferences for these lots. Lot 2 is located on the northeast corner, and Criterion 33.639.100.A calls for corner lot to be the narrowest. In this case Lots 2 through 9 are all proposed to be the same width.

Since Lots 2 through 9 are proposed for attached houses, but are of sufficient size to allow detached houses, allowing these lots to be the same width will afford the greatest flexibility for the lots to be developed with houses that are as wide as possible. This is consistent with the purpose to maximize solar access for detached houses. Based on these factors, this criterion is met.

K. Transportation impacts. The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and,

L. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, must be met.

Findings: The regulations of Chapter 33.641 allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

<p>33.651 Water Service standard-See Exhibit E-3 for detailed bureau comments.</p> <p>The water standards of 33.651 have been verified. There is no existing water service to the property. There is an 8-inch CI water main in NE Rodney Avenue, and a 6-inch CI water main in NE Cook Street. The Water Bureau notes the proposed lots can be served with connections to these mains.</p> <p>A Water Bureau review for fixture count will need to be completed at the time of submittal of the building permit for each of the 9 lots to determine appropriate service and meter size. All applicable costs for water service and associated work will be the responsibility of the applicant.</p>
<p>33.652 Sanitary Sewer Disposal Service standards-See Exhibit E-1 for detailed comments.</p> <p>The sanitary sewer standards of 33.652 have been verified. There are existing 10-inch vitrified clay public combined sewer lines located in NE Ivy and NE Cook.</p> <p>New service branches to the sewer main in NE Cook Street and a public sewer extension in NE Rodney Avenue will be required to be constructed to serve the proposed development at the applicant's or owner's expense.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards-See Exhibits E.1 & E.5</p> <p>BES has verified that the stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.</p> <p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable.</p> <p>The applicant has proposed the following stormwater management methods:</p> <p>Public Street Improvements: No street improvements are proposed or required.</p> <p>Lots 1 through 9: Stormwater from the driveways on the lots will be directed via sheet flow to trench drains, which will discharge to the public sewer system; otherwise the balance of the stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. Bureau of Environmental Services has indicated conceptual approval of the trench drains and drywells.</p>

33.654.110.B.1 -Through streets and pedestrian connections
33.654.130.B - Extension of existing public dead-end streets & pedestrian connections
33.654.130.C - Future extension of proposed dead-end streets & pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. As noted in the response from Portland Transportation, the site is located in an area with an established grid pattern that meets these spacing requirements, so no through streets or pedestrian connections will be required. In addition, the site is located within the Elliot Pedestrian District, and both street frontages are improved to current City standards. As such, this criterion is met.

33.641 – Transportation Impacts – 33.641.020 and 33.641.030
33.654.120.C Width and Design of the street right-of-way
33.654.130.D Partial Rights of way

Portland Transportation has determined that the 9 units can be expected to generate approximately 54 daily vehicle trips with 5 occurring in the AM and PM peak hours. This relatively small amount of vehicle trips is not expected to result in any significant impact to transportation facilities. The area is established with well defined grid pattern of City blocks. The pedestrian facilities either meet or exceed current City standards. All modes of transportation can safely be supported with existing facilities. The transportation system can safely support the proposed land division in addition to the existing uses in the area.

At this location, NE Rodney and NE Cook are classified as Local Service Streets for all modes. The site is located within the Elliot Pedestrian District. Both frontages are improved to current City standards. No dedications or street improvements beyond repairing any damaged or broken sidewalk and installing street trees where deficiencies exist will be required. Shared driveways shall be required for attached housing units.

Based on the foregoing, this criterion is met.

33.654.120.E. Approval criterion for the width of pedestrian connections.

Findings: As noted above, Portland Transportation has determined that width of the existing sidewalk is sufficient to accommodate the anticipated users, so no additional right-of-way or improvements are needed. However, at the time of development, any damages or broken sidewalks must be repaired. Also, at the time of development, street trees must be installed as directed by Urban Forestry. Based on these factors, the width of the pedestrian connection is acceptable, so this criterion is met.

33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)

Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

Future Development

Among the various development standards that will be applicable to this lot, the applicant should take note of:

Detached Houses- Section 33.120.270.D of the Zoning Code allows reduced side setbacks (3-feet from property lines) for detached houses in the multi-dwelling zones on lots that are at least 25 feet wide. This allowance only applies to the setbacks that are interior to the site. The setbacks around the perimeter of the land division site are that of the base zone. At this time, only one lot (Lot 1) is proposed for a detached house; however, all the lots are of sufficient size to allow detached houses, and the applicant may elect to construct either. As such, this proposal is eligible to use these provisions. To take advantage of this allowance, the reduced side setbacks must be shown on a supplemental survey for the land division at the time of final plat approval.

Community Design Standards or Design Review: As noted previously, the site is within the Eliot Conservation District, so all new development must comply with the Community Design Standards (33.218); otherwise, the proposal will trigger a Historic Review (33.846). The applicant has indicated the new development will be designed in accordance with the Community Design Standards. No review of these requirements has been conducted for the plans presented for this land division application.

Existing Development

The former buildings have been removed from on the site (Demolition Permits 11-107457 CO and 11-107461 CO), so the division of the property will not cause the structures to move out of conformance or further out of conformance with the development standard applicable in the R2 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

Bureau	Code Authority and Topic
Water Bureau , 503-823-7404 www.portlandonline.com/water	Title 21 - Water availability
Environmental Services , 503-823-7740 www.portlandonline.com/bes	Title 17; 2008 Stormwater Manual Sewer availability & Stormwater Management
Fire Bureau , 503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 - Emergency Access
Transportation , 503-823-5185 www.portlandonline.com/transportation	Title 17, Transportation System Plan Design of public street
Development Services , 503-823-7300 www.portlandonline.com/bds	Titles 24 -27, Admin Rules for Private Rights of Way Building Code, Erosion Control, Flood plain, Site Development & Private Streets

As authorized in Section 33.800.070 of the Zoning Code conditions of approval related to these technical standards have been included in the Administrative Decision on this proposal.

- The applicant must meet the requirements of the Fire Bureau in regards to fire hydrant flow and spacing, addressing of structures, and aerial fire department access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a 9 lot subdivision, as shown on the attached preliminary plan (Exhibit C.2). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are:

- Sanitary sewer service extension
- Fire flow, hydrant, addressing, and access

With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 9 lot subdivision, which will result in 9 lots for detached or attached houses, as illustrated with Exhibit C.2, subject to the following conditions:

A. Supplemental Plan. If the applicant elects to use the provision that allows side setbacks for detached houses to be reduced to 3 feet for lot lines that are interior to the site (33.120.270.D), the reduced side setbacks must be shown on a supplemental survey for the land division at the time of final plat approval. Three copies of an additional supplemental plan must be submitted with the final plat survey for review and approval.

B. The following must occur prior to Final Plat approval:

Utilities

1. The applicant must provide engineered plans, financial guarantees, and engineering fees for the sewer extension in NE Rodney Avenue to the satisfaction of the Bureau of Environmental Services (BES).
2. The applicant shall meet the fire flow/water supply and fire hydrant spacing (commercial) requirements to the satisfaction of the Fire Bureau.

C. The following conditions are applicable to site preparation and the development of individual lots:

1. The applicant must meet the addressing and aerial fire department access road requirements to the satisfaction of the Fire Bureau.

Staff Planner: Kate Green

Decision rendered by:  **on April 7, 2011**
By authority of the Director of the Bureau of Development Services

Decision mailed April 11, 2011

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on January 21, 2011, and was determined to be complete on **February 9, 2011**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 21, 2011.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended 14 days (Exhibit A.4). Unless further extended by the applicant, **the 120 days will expire on June 24, 2011**.

Note: Some of the information contained in this report was provided by the applicant. As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this

information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 25, 2011**, at 1900 SW Fourth Avenue. Appeals may be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7617 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.ci.portland.or.us .

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301 or 1-503-373-1265 for further information.

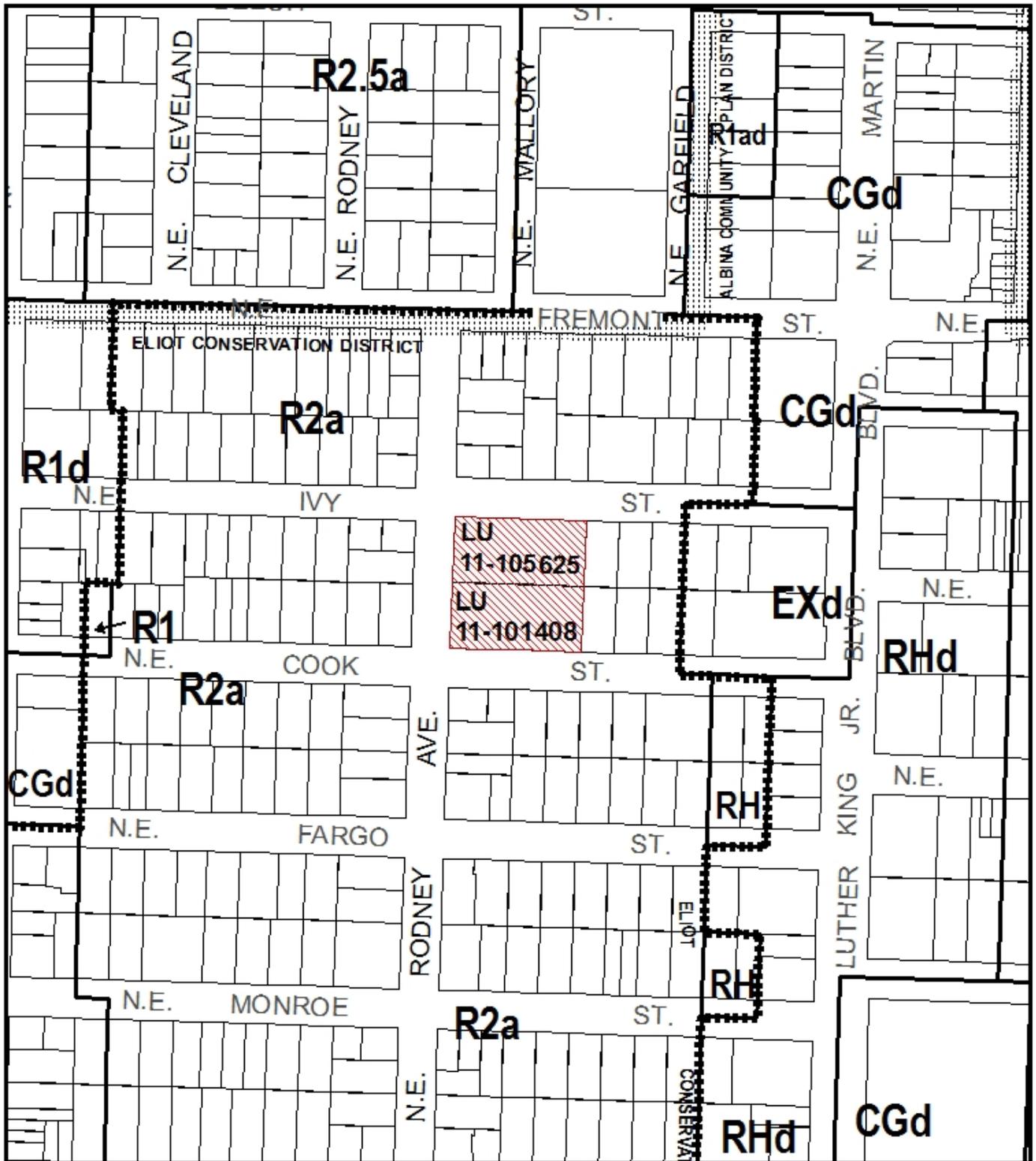
Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director or delegate, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City’s approval of the preliminary plan.**

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Supplemental Narrative
 - 2. Stormwater Management Report
 - 3. Report of Geotechnical Engineering Services
 - 4. 120-review timeline extension
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Survey Plan
 - 2. Preliminary Utility Plan (reduced copy attached)
 - 3. Initial Plan Set
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
- F. Correspondence:
 - 1. Mike Warwick, Eliot Neighborhood, March 2, 2011, no objections to land division; support for shared driveways and preservation of parking on the street
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Letter to applicant re: incomplete application



ZONING



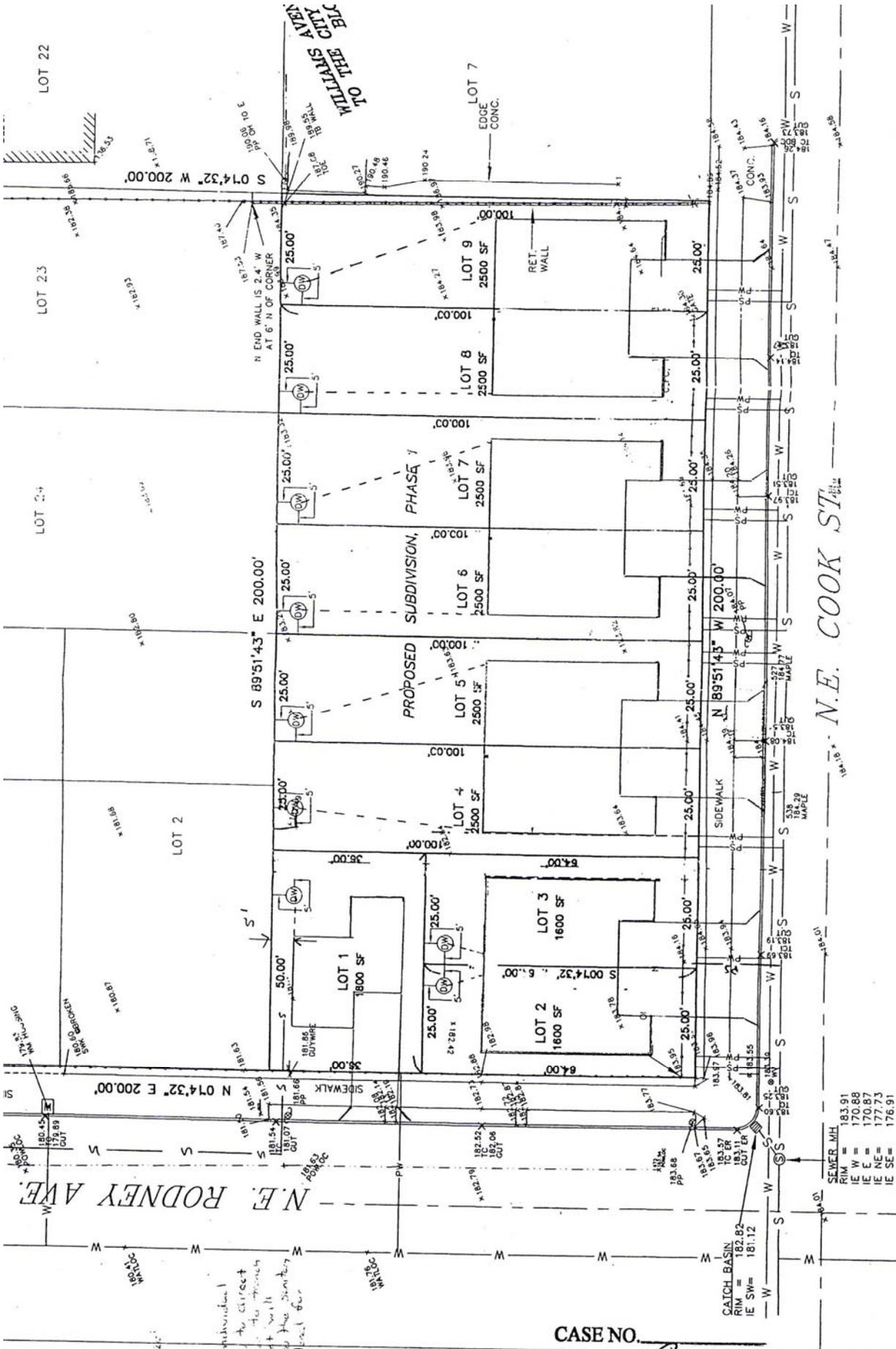
Site



NORTH

This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT
ELIOT CONSERVATION DISTRICT

File No.	LU 11-105625 LDS
	LU 11-101408 LDS
1/4 Section	2730
Scale	1 inch = 200 feet
State_Id	1N1E27AA 5500
	1N1E27AA 5501
Exhibit	B (Feb 03,2011)



Note: Individual survey to correct bearings that punch through to the boundary never label for such lot

CASE NO. EXHIBIT *C-2*
reduced copy

SEWER MH	RIM = 183.91
IE W	= 170.88
IE E	= 170.87
IE NE	= 177.73
IE SE	= 176.91

11.101408LDS
 Submitted
 3.24.2011